



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Laurie Milhiser
Chief Executive Office
John F. Krattli
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, December 6, 2010, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. Michael S. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 416 158
United States District Court Case No. CB 09-4428

This lawsuit concerns allegations that a minor in the custody of the Probation Department was sexually assaulted by another minor; settlement is recommended in the amount of \$50,000.

[See Supporting Documents](#)

- b. Jerry and Kathy Gliksman v. Terry and Deniece Wheeler, et al.
Los Angeles Superior Court Case No. YC 055 709

This lawsuit concerns damage allegedly caused by a mainline sewer leak; settlement is recommended in the amount of \$75,000.

[See Supporting Documents](#)

c. Claim of Rita Chambers

This claim concerns damage caused by a sewage backup; settlement is recommended in the amount of \$111,065.90.

[See Supporting Documents](#)

d. Marilyn Rodgers v. County of Los Angeles
Los Angeles Superior Court Case No. KC 056 332
Karen Adams v. County of Los Angeles
Los Angeles Superior Court Case No. KC 056 748

These wrongful death lawsuits arise from a vehicle accident involving an employee of the Department of Parks and Recreation; settlement is recommended in the amount of \$1,250,000.

[See Supporting Documents](#)

e. Alice Joyce v. County of Los Angeles
Los Angeles Superior Court Case No. BC 426 907

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination and harassment; settlement is recommended in the amount of \$72,000.

f. Lisa D. Gaffney, individually and as guardian ad litem for Amber Dunn v. County of Los Angeles
Los Angeles Superior Court Case No. BC 411 730

This medical negligence lawsuit arises from treatment received by a patient at the Harbor-UCLA Medical Center; settlement is recommended in the amount of \$1,175,000.

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the November 8, 2010, special meeting and the November 15, 2010 regular meeting of the Claims Board.

[See Supporting Documents](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michael S. v. COLA, et al.
CASE NUMBER	BC 416158 and CV 09-4428
COURT	Los Angeles Superior Court and United States District Court
DATE FILED	6/19/09
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Robert Mann, Esq., Donald Cook, Esq., Audrey Stephanie Loftin, Esq. and Rebecca Birmingham, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	Michael S., who was a juvenile in the custody of the Probation Department on 4/29/2008, alleges that he was sexually assaulted by another minor while at Barry J. Nidorf Juvenile Hall. In his lawsuit, Michael S. contends that Probation Department employees should not have housed him with his assailant. Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorney's fees, a full and final settlement of the case in the amount of \$50,000 is

recommended.

PAID ATTORNEY FEES, TO DATE	\$	40,268.50
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PAID COSTS, TO DATE	\$	426.15
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Case Name:

MICHAEL S. v. COLA



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	April 29, 2008 at approximately between 8:00p.m.-8:12p.m.
Briefly provide a description of the incident/event:	Plaintiff was a 17 year old 5'6", 160 lbs., African-American Male that was detained on April 26, 2008 for committing an alleged criminal threat against his mother. Plaintiff was admitted into Barry J. Nidorf Juvenile Hall (BJNH) at approximately 7:00p.m. Plaintiff was later medically admitted on April 28, 2008. On April 29, 2008 the plaintiff had a mental health assessment and Level 1 regular supervision was recommended. Plaintiff was then assigned to Unit "E/F" the same day. On April 29, 2008 at approximately 5:30p.m., he was interviewed and oriented to the unit and was assigned to room E-14 with a 17 year old 5'6", 140 lbs., Spanish Speaking Hispanic Male. On April 30, 2008, the plaintiff advised the court that he was allegedly raped by his roommate on April 29, 2008 in his room after showers. In June 2009, plaintiff filed Federal and State Court lawsuits alleging general negligence and violation of Civil Rights.

1. Briefly describe the root cause(s) of the claim/lawsuit:

Root Cause Analysis:

The initial incident stems from plaintiff's room assignment with a juvenile ward that allegedly violated facility rules prohibiting assaultive and sexual behavior. A root cause factor analysis was conducted including, but not limited to:

- **Exposure area relates to plaintiff being housed with and allegedly sexually assaulted by a roommate whose behavior chart did not reflect a history of sexual misconduct.**
- **Compounding factors include:**
 - The plaintiff admitted he initially consenting to the sexual encounter, but later wanted it to stop.
 - The perpetrator admitted to the consensual encounter.
 - Documents in the perpetrator's Probation File (not used for housing decisions) related to him being arrested, cited and released by a Non-COLA Law Enforcement Agency associated with alleged sexual misconduct.
 - Staff admits that a radio was playing in the unit during the timeframe.
 - Witness reference to hearing staff play music late in the evening.
 - Staff use of a bed chart that did not comply with policy in effect at the time.

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- **Insufficient information available to staff at the time they were making the housing decision for the perpetrator.**
- **Staff erroneous use of a bed chart that did not comply with current policy.**
- **Minor's non-compliance with policy about assaultive and sexual behavior.**
- **Policy violation associated with radios being prohibited from being brought into Probation Facilities.**

This matter is being settled to mitigate associated legal costs and to avoid a potentially adverse verdict associated with the root/non-root cause factors.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Recommended Root Cause Corrective Action:

Task #1 Name: Probation Case Management System (PCMS) Development

System Issue: ☒ Process/Procedure
☒ Personnel

Responsible Person: Fred Nazarbegian

Task Description:

1. The Department developed and implemented the Probation Case Management System (PCMS), which is a functional web-based application that contains various modules that handle numerous aspects of Probation's operations. PCMS enables staff to have easy access to and view information that includes, but is not limited to:
 - a. One Juvenile system with the functionality from 11 systems
 - b. Ability to see the complete record for each minor
 - c. Availability of Intake information
 - d. Availability of Detention information
 - e. Ability view minor's history
 - f. Ability to see "Alert Types & Alerts" associated with the minor that specify:
 - i. Special Handling-Single Bunk
 - g. Ability to view minor's prior behavior
 - h. Ability to view minor's assessments
 - i. Ability to generate facility reports associated with minors currently in the facility with "Alert Types & Alerts" such

as Single Bunk

This system became functional as of April 2009 and upgrades are on-going.

Task #2 Name: PCMS Training

System Issue: ☒ Process/Procedure
☒ Personnel

Responsible Person: Fred Nazarbegian

Task Description:

1. The Department developed and provided staff training on the use of PCMS. Upon completion of training and review of the training manual staff:
 - a. Have an overview of PCMS
 - b. Have a general knowledge of the web application
 - c. Have general knowledge of the application features
 - d. Have familiarity with criminal justice systems and concepts
 - e. Have awareness of Probation processes and guidelines
 - f. Have asked questions and retain the ability to receive support from the help desk

This task was initially completed in May 2009 and is on-going.

Task #3 Name: Bureau Policy Modification associated with PCMS

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Larry Rubin

Task Description:

1. The Department modified existing Detention Services Bureau policy via the development and implementation of Directive #1241 associated with Classification, Housing and Double-Bunking to include the use of PCMS. Areas that were modified relate to but are not limited to:
 - a. Areas of PCMS that must be viewed to make housing decisions.
 - b. Intake staff shall check PCMS for alerts for an alert of "Single Bunk".
 - c. Intake staff shall also check the minor's arrest history in PCMS for any prior arrests that dealt with sexual

activity.

This task was completed by the end of September 2010.

Task #4 Name: Detention Services Bureau (DSB) Electronic Devices Policy Reinforcement

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Larry Rubin

Task Description:

1. The Department DSB **reinforced** its policy previously in Directive #1121 and currently in DSB Manual Section 2200 related to electronic devices that are prohibited from being brought into Probation facilities. Reinforcement was done via discussion in staff meetings, individual staff reviewed with supervisors and/or electronic distribution. Prohibited devices include, but are not limited to:
 - a. Radios
 - b. iPods
 - c. DVD Players
 - d. MP3 Players
 - e. Televisions
 - f. Laptops
 - g. Game Boys

Situations where an exception to the above are made will be handled on a case-by-case basis with the pre-approval of the workplace Director. **This task was completed by the end of March 2010.**

Task #5 Name: Bed Chart Form Use Policy Reinforcement

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Larry Rubin

Task Description:

1. The Department DSB will **reinforce** its policy previously in Directive #1137 and currently in DSB Manual Section 500 related to the Board Detention Services Officer completion of the DSB Bureau Unit Bed Chart. Reinforcement will be done via discussion in staff meetings, individual staff reviews with supervisors and/or electronic distribution. In addition, reinforcement will include advising staff to use the version of the bed chart that is in current/active policy at the time the form is developed. The Bed Chart includes, but is not

County of Los Angeles
Summary Corrective Action Plan

limited to the following information:

- a. Names of minors assigned to the room
- b. Probation Department Juvenile (PDJ) number
- c. Height and weight of each minor
- d. Age
- e. Present Offense
- f. Special Codes

This task will be completed by the end of December 2010.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☒ Potentially has County-wide implications.
- ☒ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)	
Signature:	Date:

Name: (Department Head) Donald H. Blevins	
Signature: <i>Donald H. Blevins</i>	Date: 10/27/10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature: <i>Robert Chavez</i>	Date: 10-26-10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jerry Gliksman, et al., v. Terry Wheeler, et al.,
CASE NUMBER	YC 055 709
COURT	Los Angeles Superior Court - Torrance
DATE FILED	08/10/2007
COUNTY DEPARTMENT	Department of Public Works, Sewer Maintenance Division
PROPOSED SETTLEMENT AMOUNT	\$ 75,000
ATTORNEY FOR PLAINTIFF	Stanley Denis
COUNTY COUNSEL ATTORNEY	Adrienne M. Byers Principal Deputy County Counsel
NATURE OF CASE	The Gliksmans allege that the County-maintained sewer line in the public street in front of their house leaked causing damage to their property and causing them emotional distress. The Gliksmans claim that the sewer is in a dangerous condition and constitutes a public nuisance. The Gliksmans claimed \$2.8 million in property damages, in addition to damages for emotional distress. A jury found in favor of the County on the nuisance cause of action but stalemated on the dangerous condition claim. Rather than risk the uncertainty of further litigation, the parties agreed to settle the

case with the County paying the
Gliksmans \$75,000 and lining the
sewer in front of their house.

PAID ATTORNEY FEES, TO DATE	\$	738,344
PAID COSTS, TO DATE	\$	355,560 (expert), \$83,208 (other)



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim/Lawsuit: Date of incident/event:	Jerry and Kathy Gliksman
Briefly provide a description of the incident/event:	The plaintiffs contend that a leak from a County-controlled and maintained main sewer line contributed moisture to the subsurface soils surrounding their residence located at 87 Dapplegray Lane, in the City of Rolling Hills Estates, which caused movement and damage to the foundation of their residence. They sued the County for dangerous condition, nuisance, and injunctive relief.

1. Briefly describe the root cause of the claim/lawsuit:

The main sewer line at this location is maintained by the County under the Consolidated Sewer Maintenance Districts. Records show that Sewer Maintenance Division (SMD) performed inspections and maintenance of the sewer on Dapplegray Lane as part of the Preventive Maintenance Program since 2000.

Over the last 10 years, the main sewer line was inspected with a video camera. Soil and bacterial testing of the subsurface locations along the sewer line failed to indicate the presence of sewer-related bacteria or free water, which would indicate the sewer line was leaking. The County's experts alternatively believed that if the main sewer line was leaking, the water was carried downstream through the porous trench material and did not migrate upstream through low-permeable bedrock.

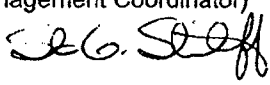

County of Los Angeles Department of Public Works
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

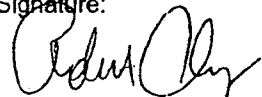
The settlement of this matter was considered a business decision by Public Works to avoid the costs of a retrial on the dangerous condition cause of action. As a term of the settlement, Public Works agreed to insert a plastic liner in the sewer line in the vicinity of the plaintiffs' residence. SMD completed this work on October 19, 2010.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has a Countywide implication.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 11/04/10
Steven G. Steinhoff	
Signature: (Director) 	Date: 11-16-10.
Gail Farber	

Chief Executive Office Risk Management Branch

Name: Robert Chavez	Date:
Signature: 	Date: 10-26-10

RS:psr
P4:ISCAP GLIKSMAN1



CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Rita Chambers
CASE NUMBER	Non-litigated claim
COURT	N/A
DATE FILED	December 24, 2008
COUNTY DEPARTMENT	Public Works – Branch 5 Sewer Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 111,065.90
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer backup at the residence of Rita Chambers located in Rancho Palos Verdes. A County sewer crew investigated a complaint of a sewer problem and found that wastewater in a sewer mainline manhole was high but not overflowing. When the sewer crew relieved the blockage, the sudden high volume of effluent overburdened the downstream part of the line and caused the effluent to enter Ms. Chambers' home located downstream. The sewage affected the walls, structure and floors and personal

property. The sewer mainline is maintained by the County as part of the Consolidated Sewer Maintenance District. Due to the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE	\$	0
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PAID COSTS, TO DATE	\$	0
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Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim:	Chris and Rita Chambers
Date of incident/event:	December 16, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage backup incident that occurred at the claimants' home located at 30218 Via Rivera, in the City of Rancho Palos Verdes. The wastewater overflowed into the claimants' home, damaging the lower-level interior of the property as well as their personal items.</p> <p>Public Works responded and a sewer maintenance crew confirmed the existence of a main sewer line blockage created by tree roots between Manhole Nos. 488 and 513. The crew rodded the main sewer line and broke down a root stoppage.</p>

1. Briefly describe the root cause of the claim/lawsuit:

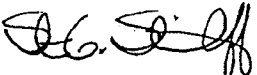

The cause of the sewer backup was due to a root stoppage in the County maintained main sewer line. The crew rodded the main sewer line and broke down the root stoppage. This action resulted in the sudden release of wastewater, which exceeded the capacity of the downstream sewer system causing wastewater to back up and overflow into the claimants' home.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The segment of the main sewer line, between Manhole Nos. 488 and 513, was placed on a quarterly rodding schedule to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program. Within three months, an investigation will be conducted to determine if the tree whose roots caused the backup can be identified. If it can be determined with strong likelihood that a County-maintained tree, or a tree located within a County easement, caused the main sewer line backup, either directly or by intrusion from a private lateral connection, it will be removed. If it can be determined with strong likelihood that a private tree caused the main sewer line backup, either directly or indirectly through a private lateral connection, the owner will be asked to remove any remaining tree roots as well as consider removing the tree, or be held liable for future incidents.


3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Steven G. Steinhoff 	12/24/07
Signature: (Director)	Date:
Gail Farber 	1-11-09

ME:psr

P4:\CHAMBERS SCAP


Robert Chavez

5/14/10

DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

Received
4/12/2010

CLAIM OF: Chris and Rita Chambers

INCIDENT DATE: December 16, 2008

INCIDENT LOCATION: 30218 Via Rivera, City of Rancho Palos Verdes

RISK ISSUE:

The County may be liable in Inverse Condemnation if a public improvement, operating as intended, is a substantial factor in causing damage to private property.

INVESTIGATIVE REVIEW:

The main sewer line at this location is owned by the City of Rancho Palos Verdes and maintained by the County as part of the Consolidated Sewer Maintenance District (CSMD).

On December 16, 2008, the main sewer line located within the right of way along Via Rivera, in the City of Rancho Palos Verdes, became blocked. Sewer Maintenance Division was notified of the matter and a maintenance crew responded to the location. Upon arrival, they observed that the wastewater level in Manhole No. 513 of Sewer Maintenance District Map S-1491 was high, but not overflowing. The crew rodded the main sewer line between Manhole Nos. 488 and 513 and broke down a root stoppage. The sudden release of the wastewater upstream of the blockage exceeded the capacity of the downstream sewer system causing wastewater to backup and overflow into the claimants' home located at 30218 Via Rivera.

There have been no reported incidents of prior sewage backups at this location.

POLICY ISSUES:

The Consolidated Sewer Maintenance District's maintenance program consists of regular semi-annual inspections of the sewer system and appurtenances, combined with periodic cleaning, repair, and related work as necessary to keep the collection system operating as designed.

CORRECTIVE ACTION:

A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 30218 Via Rivera, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.

DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

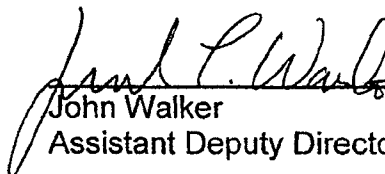
CORRECTIVE ACTION PLAN - CHAMBERS

Page 2

In order to prevent recurrences of this type of event, the segment of the main sewer line, between Manhole Nos. 488 and 513, was placed on a quarterly rodding schedule to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program. Within three months, an investigation will be conducted to determine if the tree whose roots caused the backup can be identified. If it can be determined with strong likelihood that a County-maintained tree, or a tree located within a County easement, caused the main sewer line backup, either directly or by intrusion from a private lateral connection, it will be removed. If it can be determined with strong likelihood that a private tree caused the main sewer line backup, either directly or indirectly through a private lateral connection, the owner will be asked to remove any remaining tree roots as well as consider removing the tree, or be held liable for future incidents.

Reviewed & Recommended

Approved

 12/23/09
John Walker Date
Assistant Deputy Director

 1/14/10
Diego Cadena Date
Deputy Director

ME:psr
P4:CHAMBERS CAP

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Marilyn Rodgers v. County of Los Angeles
	Karen Adams v. County of Los Angeles
CASE NUMBER	KC 056332 (Rodgers)
	KC 056748 (Adams)
COURT	Los Angeles Superior Court, East District
DATE FILED	July 21, 2009 (Rodgers)
	September 10, 2009 (Adams)
COUNTY DEPARTMENT	Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 1,250,000.00
ATTORNEY FOR PLAINTIFF	David N. Bigelow of Girardi & Keese and Brian C. Unitt of Holstein, Taylor & Unitt (for Rodgers)
	Anthony W. Beck of Williams Beck & Forbes (for Adams)
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel General Litigation Division
NATURE OF CASE	These are consolidated wrongful death cases brought by Marilyn Rodgers, Jonathan Rodgers, and Karen Adams, respectively the mother, adult son and widow of the decedent James Dean

Rodgers against the County and County employee Micah Bivens.

Before sunrise in the early morning of January 7, 2009, Mr. Bivens was driving the pickup truck on the westbound I-10 freeway in West Covina on his way to a training session in Manhattan Beach. His wife, Billie Bivens was riding in the front passenger seat. She is also employed by the County as a Supervising Lake Lifeguard and was traveling to the same training assignment. Mr. Bivens was driving in the number one lane. As he approached the I-605 freeway interchange, he encountered heavy traffic and slowed down.

At the same time, the decedent Mr. Rodgers was riding his motorcycle some distance behind Mr. Bivens. Mr. Rodgers was "lane splitting" by weaving in traffic between the number one and number two lanes. Mr. Rodgers was operating his motorcycle with a permit that prohibited him from operating his motorcycle at that time of day and on a freeway.

As Mr. Rodgers approached behind Mr. Bivens' vehicle, Mr. Rodgers moved one to two feet into the number two lane. Because of the traffic slowing ahead and because he wished to transition to the southbound I-605, Mr. Bivens started to transition into the number two lane. Despite his attempt to be careful, while approximately one foot into the number two lane, the right rear of Mr. Bivens' truck impacted

Mr. Rogers' motorcycle. The motorcycle slid across the number two and three lanes where it was struck by another vehicle. Until the impact, Mr. Bivens had not seen Mr. Rogers.

Although both Mr. and Mrs. Bivens pulled over and rendered first aid assistance to Mr. Rodgers, he died several minutes later.

Due to the risks and uncertainties of litigation, the CEO proposes a full and final settlement of the case in the amount of \$1,250,000.00.

PAID ATTORNEY FEES, TO DATE	\$	49,271.90
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PAID COSTS, TO DATE	\$	8,012.52
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Case Name: Marilyn Rodgers



Summary Corrective Action Plan

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Date of incident/event:	January 7, 2009
Briefly provide a description of the incident/event:	On January 7, 2009 at approximately 5:51 A.M., employee was traveling westbound on I - 10 when he started to change lanes from the number one to number two lane and collided with a motorcycle. The motorcyclist was ejected and run over by a tractor-trailer traveling in lane number three.

1. Briefly describe the root cause(s) of the claim/lawsuit:

The Traffic Collision Report states that the cause of the collision was determined to be employee's violation of section 21658(a) of the Vehicle Code (VC), unsafe lane change.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

As a result of this accident, the following actions are in progress:

- In November, 2010 Department completed the directive for an Automotive Review Committee. The committee will be responsible for reviewing all preventable vehicle accidents and making recommendations for administrative action.
- Appropriate administrative action was imposed on the employee.
- The employee will be sent to in-vehicle driver evaluation program given by Truckspect, Inc. in January, 2011.
- Department vehicles shall be equipped with "How Am I Driving?" bumper stickers with a phone number to promote safe and courteous driving by employees.
- Include special motorcycle awareness portion with the Department's 2011 Defensive Driver Training to promote motorcycle safety.

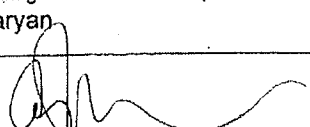
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

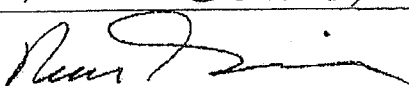


Potentially has County-wide implications.

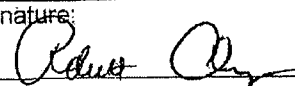
County of Los Angeles
Summary Corrective Action Plan

- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) Anush Gambaryan	
Signature: 	Date: 12-01-10

Name: (Department Head) RUSS GUINEY	
Signature: 	Date: 11-30-10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature: 	Date: 12-01-10

Corrective Action Plan



1. General Information

Date CAP document prepared:	November 30, 2010
Department:	Department of Parks and Recreation
Name of departmental contact person:	Anush Gambaryan
• title:	Safety Officer II
• phone number:	(213) 738-3011
• e-mail:	agambaryan@parks.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	January 7, 2009
Location of Incident/event:	Westbound I-10 in City of West Covina
Event contact person:	Anush Gambaryan
• phone:	(213) 738-3011
• e-mail:	agambaryan@parks.lacounty.gov
Claim adjuster: <small>(Third Party Administrator or County Counsel)</small>	Tamatha Chipp, Carl Warren & Company
• phone number:	(818) 247-2206
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Richard Kudo
• phone number:	(213) 974-1879

3. Incident/Event Description:

<p>Nature of incident/event:</p>	<p>On January 7, 2009 at approximately 5:51 A.M., Parks and Recreation Senior Lake Lifeguard was traveling westbound on I -10 when he started to change lanes from the number one to number two lane and collided with a motorcycle. The motorcyclist was fatally injured as he was ejected and run over by a tractor-trailer traveling in lane number three. The weather was clear and dry. According to our employee, he was accelerating after slowing for traffic ahead and wanted to transition to the 605 freeway, so he wanted to start moving over to the right. He looked into his right-side mirror and saw no hazard. He looked forward again and activated his right-turn signal, and then checked the right-side mirror a second time and found everything clear. He then accelerated and began to merge into the number two lane. He was approximately one foot into the number two lane when he felt an impact. He observed plaintiffs' motorcycle traveling out of control in a northwesterly direction toward the number three lane. Plaintiff then came into contact with a big rig and was run over by the left side wheels of the tractor and trailer.</p>
<p>Provide a brief description of the incident/event:</p>	<p>According to California Highway Patrol's Traffic Collision Report the County employee caused the collision by making an unsafe lane change. Despite adverse traffic collision report attributing complete fault to County employee, there was significant comparative negligence to decedent who was splitting lanes close to the County's pick-up truck. In addition, decedent had a permit which prohibited him from operating the motorcycle at that time of day and on a freeway.</p>

☐ Include a copy of the supervisor's first report of incident (or related accident,

event or incident investigation documentation).

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:

The County of Los Angeles can be held liable for any resulting damages to third parties when an employee driving a County vehicle causes such damage during the course and scope of their County employment.

5. Root Cause Analysis

Root Cause Analysis tool used:	Traffic Collision Report.
Incident/event root causes:	List incident/event root causes. The Traffic Collision Report states that the cause of the collision was determined to be employee's violation of section 21658(a) of the Vehicle Code (VC), unsafe lane change.

- ☐ Include a copy of the Root Cause Analysis tool utilized (or related Root Cause Analysis documentation).

Corrective Action Plan Steps

Task number:	1
Task name:	Automotive Review Committee
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	January, 2011
Schedule completion date:	January, 2011
Responsible person:	Anush Gambaryan
Task description:	Develop an Automotive Review Committee responsible for systematically

County of Los Angeles
Corrective Action Plan

	reviewing all preventable vehicle accidents and making recommendations for Administrative Action based on incident-specific information, past driving history and violations. Committee will be comprised of Regional Operations Managers or other high level supervisors and will meet every other month. Directive was developed in November, 2010; the committee will begin to meet in January, 2011.
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Task number:	2
Task name:	Administrative Action
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Personnel
Schedule start date:	December 1, 2010
Schedule completion date:	December 1, 2010
Responsible person:	Brenda Harrison
Task description:	Appropriate administrative action was imposed on the employee for violating VC 21658 (a), unsafe lane change. After consulting with DHR Advocacy Section, Department decided to impose a 15 day suspension on the employee.

Task number:	3
Task name:	Driver Training
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment

County of Los Angeles
Corrective Action Plan

	<input type="checkbox"/> Personnel
Schedule start date:	January, 2011
Schedule completion date:	January, 2011
Responsible person:	Anush Gambaryan
Task description:	<p>The employee will be sent to in-vehicle driver evaluation program given by Truckspect, Inc. which will include the following:</p> <ul style="list-style-type: none"> • Lane change/use • Passing and being passed • Steering and cornering • Use of brakes • Defensive driving skills

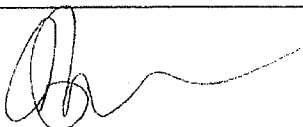
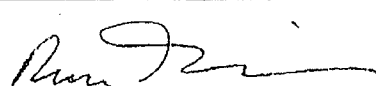
Task number:	4
Task name:	The Department will develop and implement a "How am I Driving?" Program.
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	November, 2010
Schedule completion date:	March, 2011
Responsible person:	Anush Gambaryan
Task description:	Each Department vehicle shall be equipped with a "How Am I Driving?" bumper sticker with a phone number. The purpose of the program is to

	promote and increase employee awareness of the need for safe driving and improve the safety record of the Department's drivers.
Task number:	5
Task name:	Motorcycle Awareness Training
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	June, 2011
Schedule completion date:	June, 2011
Responsible person:	Irl Stalcup
Task description:	Include a special motorcycle awareness portion with the Department's annual Defensive Driver Training to promote safety to all Department employees who drive on County time.

* If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

7. Review and Authorization

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

Review and authorization steps:	Signature:	Date:
Document reviewed by department Risk Management Coordinator:		12-01-10
Document reviewed by department head or designee.		11-30-10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Lisa D. Gaffney, individually and as guardian ad litem for Amber Dunn v. County of Los Angeles
CASE NUMBER	BC 411730
COURT	Los Angeles Superior Court - Central District
DATE FILED	June 3, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$1,175,000
ATTORNEY FOR PLAINTIFF	Anthony Kornarens, Esq. Law Office of Anthony Kornarens Joseph DiMonda, Esq. Angelo & DiMonda
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On November 29, 2008, Amber Dunn was involved in a motor vehicle accident. She was transferred to Harbor UCLA Medical Center ("HUMC") for treatment of her injuries.</p> <p>On November 30, 2008, Amber Dunn underwent a diagnostic procedure. During the procedure an unexpected complication occurred whereby one of the patient's blood vessels was injured. Although this injury caused further complications, the patient was treated and discharged home a few days later.</p>

Amber Dunn filed a lawsuit against the County of Los Angeles contending that the HUMC staff were negligent in performing the November 30, 2008, procedure thereby causing permanent injuries to her.

PAID ATTORNEY FEES, TO DATE

\$193,862.50

PAID COSTS, TO DATE

\$151,912.92

Case Name: DUNN, AMBER



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	November 30, 2008
Briefly provide a description of the incident/event:	On November 29, 2008, Amber Dunn was involved in a motor vehicle accident. She was transferred to Harbor/UCLA Medical Center for treatment of her injuries. On November 30, 2008, Miss Dunn underwent a diagnostic procedure. During the procedure an unexpected complication occurred whereby one of Miss Dunn's blood vessels was injured. Although this injury caused further complications, Miss Dunn was treated and discharged home a few days later.

1. Briefly describe the root cause(s) of the claim/lawsuit:

Injury from an unexpected penetration of a blood vessel wall by a catheter tip.
(While we can defend and explain the various issues in this case and believe the standard of care was met, defense will be difficult by the projected application of the Res Ipsa doctrine.)


2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

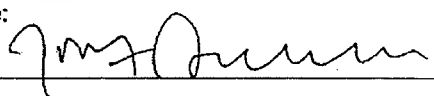
- Nursing staff were re-educated regarding documentation in the medical record.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

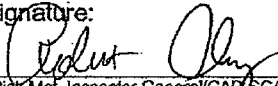
- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have Countywide or other department(s) implications.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator) Kimberly McKenzie, RN, MSN, CPHQ	
Signature: 	Date: 10/6/10

Name: (Department Head) John Schunhoff, Ph.D	
Signature: 	Date: 11-18-10

Chief Executive Office Risk Management Branch

Name: Robert Chavez	
Signature: 	Date: 10/13/10

i:\Risk Mgt. Inspector General\CAP\SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

COUNTY OF LOS ANGELES CLAIMS BOARD
CLAIMS BOARD MINUTES OF SPECIAL MEETING

November 8, 2010

1. Call to Order.

This special meeting of the County of Los Angeles Claims Board was called to order at 9:34 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, John Krattli and Steven NyBlom. Laurie Milhiser joined the meeting at 10:33 a.m.

Other persons in attendance at the meeting were: Office of the County Counsel: Narbeh Bagdasarian, Edwin Lewis, Steve Morris, Julie Ann Silva, Joyce Aiello, Millicent Rolon, Ruben Baeza, Jr., Vicki Kozikoujekian, and Brian Chu; Department of Health Services: Charles A Stewart, M.D., Priscila Matias, Nancy Lefcourt, Cristina Martinez, Kim McKenzie, Scott Lundberg, A.M.D., Darrell W. Harrington, A.M.D., Michelle Merino, Edgar Soto, and David Cochran, District Attorney's Office: John Spillane; Internal Services Department: Mark A Colton; Sheriff's Department: Shaun Mathers; Department of Mental Health: Margo Morales and Joe Simoneschi; Department of Public Works: Michael Hays; Office of Affirmative Action: David Kim; Outside Counsel: Calvin House and Gregory Houle.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Claims Board Procedures - Alternate members.

The Claims Board welcomed Laurie Milhiser who has been appointed by the Board of Supervisors as the Chief Executive Office's representative on the Claims Board. For purposes of the November 8, 2010 meeting, the Claims Board recognized Steven E. NyBlom as the alternate Chief Executive Office representative.

The vote of the Claims Board was unanimous with Steven NyBlom abstaining.

4. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:45 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 5(a) through 5(1) below.

5 Report of actions taken in Closed Session.

At 3:05 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Francisco Duarte, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 407 243

This medical negligence lawsuit arises from treatment received by a patient at County health facilities.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$499,000.

The vote of the Claims Board was unanimous with all members being present.

- b. Juan Aguirre v. County of Los Angeles
Los Angeles Superior Court Case No. PC 046 065

This medical negligence lawsuit arises from treatment received by a patient at the Olive View Medical Center.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$160,000 plus assumption of the Medi-Cal lien in the amount of \$153,387.99 and the Medicare lien in the amount of \$7,740.33.

The vote of the Claims Board was unanimous with all members being present.

- c. Jennifer Johnson v. County of Los Angeles
Los Angeles Superior Court Case No. NC 042 847

This medical negligence lawsuit arises from treatment received by a patient at the Harbor UCLA Medical Center.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$275,000.

The vote of the Claims Board was unanimous with all members being present.

- d. Armenui Keshishyan v. County of Los Angeles
Los Angeles Superior Court Case No. BC 410 142

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination and harassment based on national origin and disability.
(Continued from the special meeting of September 27, 2009.)

The Claims Board approved settlement of this matter in the amount of \$60,000.

The vote of the Claims Board was unanimous with all members being present.

- e. Cheryl Williams v. County of Los Angeles
Los Angeles Superior Court Case No. BC 393 099

This lawsuit concerns allegations that a County employee was subjected to discrimination and that the County failed to engage in a timely interactive process; settlement is recommended in the amount of \$400,000.

The Claims Board continued this matter.

The vote of the Claims Board was unanimous with all members being present.

- f. Dimitrios Biller v. County of Los Angeles
United States District Court Case No. CV 0903079

This lawsuit concerns allegations that the District Attorney's office failed to engage in an interactive process or provide reasonable accommodations for an employee's disability.

The Claims Board approved settlement of this matter in the amount of \$100,000.

The vote of the Claims Board was: Ayes: (2) - Steven NyBlom and John Krattli; and Abstentions: (1) - John Naimo

- g. Ronald Johnson v. County of Los Angeles
United States District Court Case No. CV 09-08252

This lawsuit concerns allegations of excessive force and false arrest by Sheriff's Deputies; authority is requested to make a statutory offer.

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

The vote of the Claims Board was unanimous with all members being present.

- h. Lisa J. Hosey v. County of Los Angeles, et al.
United States District Court Case No. CV 09-09427

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies; authority is requested to make a statutory offer.

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

The vote of the Claims Board was unanimous with all members being present.

- i. Claim of Samantha Industry Plaza

This claim concerns property damage that occurred when a Sheriff's Deputy lost control of his patrol vehicle.

The Claims Board approved settlement of this matter in the amount of \$21,500.79.

The vote of the Claims Board was unanimous with all members being present.

- j. Grace G. v. County of Los Angeles
Compton Superior Court Case No. TC 023 081

This lawsuit concerns allegations of sexual assault by an on-duty Sheriff's Sergeant.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$245,000.

The vote of the Claims Board was unanimous with all members being present.

- k. Felipe Medina v. County of Los Angeles
Los Angeles Superior Court Case No. TC 022 146

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Department of Mental Health.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$950,000.

The vote of the Claims Board was unanimous with all members being present.

- l. Ara and Georgette Boyajian v. County of Los Angeles
Los Angeles Superior Court Case No. BC 379 922

This lawsuit concerns damage allegedly caused by a sewer back-up.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

The vote of the Claims Board was unanimous with all members being present.

6. Approval of the minutes of the October 8, 2010, special meeting of the Claims Board.

The minutes of the October 8, 2010, special meeting of the Claims Board were approved.

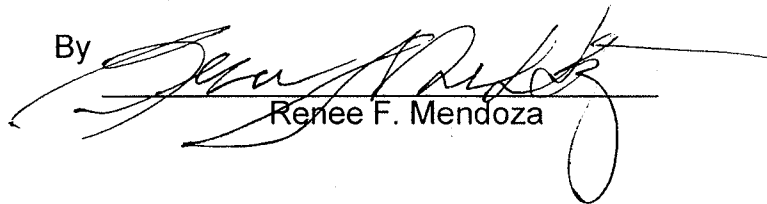
The vote of the Claims Board was unanimous with Steve NyBlom abstaining.

7. Adjournment.

The meeting was adjourned at 3:20 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

November 15, 2010

1. Call to Order.

This special meeting of the County of Los Angeles Claims Board was called to order at 9:40 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, John Krattli and Laurie Milhiser.

Other persons in attendance at the meeting were: Chief Executive Office – Risk Management: Steven NyBlom; Office of the County Counsel: Steve Morris and Richard Kudo; Fire Department: Daryl Osby and Kathleen Zelenski; Office of Affirmative Action: David Kim; Outside Counsel: Clay Averbuck.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:43 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) and 4(b) below.

4 Report of actions taken in Closed Session.

At 11:25 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Cheryl Williams v. County of Los Angeles
Los Angeles Superior Court Case No. BC 393 099

This lawsuit concerns allegations that a County employee was subjected to discrimination and that the County failed to engage in a timely interactive process.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$400,000.

The vote of the Claims Board was unanimous with all members being present.

- b. Antonia Roman v. County of Los Angeles
Los Angeles Superior Court Case No. BC 408 937

This lawsuit arises from a vehicle accident involving a Los Angeles County fire truck.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$3,300,000.

The vote of the Claims Board was unanimous with all members being present.

5. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

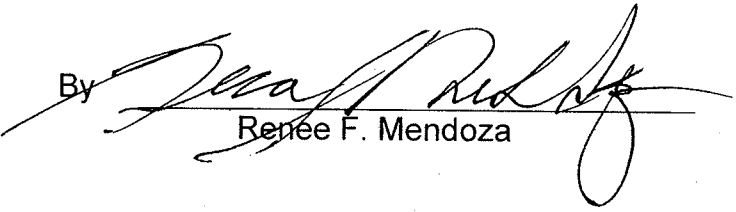
No such matters were discussed.

6. Adjournment.

The meeting was adjourned at 11:31 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza